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Supreme Court of the United States

OCTOBER TERM 1948

No. 11

DOUBLEDAY & COMPANY, INC.

Appellant

against

THE PEOPLE OF THE STATE OF NEW YORK

Appellee

APPELLEE'S BRIEF

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Supreme Court of the United States

OCTOBER TERM 1948

No. 11

DOUBLEDAY & COMPANY, INC.
Appellant

against

THE PEOPLE OF THE STATE OF NEW YORK
Appellee

APPELLEE'S BRIEF

Statement

This is an appeal from a final judgment of the New York Court of Appeals [R 60-1*; 297 N. Y. 687, 77 N. E. (2d) 6] unanimously affirming without opinion an order of the Appellate Division [R 50; 272 App. Div. 799, 71 N. Y. Supp. (2d) 736], which similarly affirmed without opinion the original judgments of the Court of Special Sessions of the City of New York convicting appellant of PUBLISHING and of SELLING an OBSCENE BOOK (R 41-2, 44-5; PERLMAN, J., dissenting in opinion at R 42, 47-8; New

* "R" indicates a page reference to the record.

York Penal Law §1141, subd. 1). This appeal was allowed by the Chief Judge of the Court of Appeals (R 61-2). On March 15, 1948 the Court noted probable jurisdiction (R 67; 68 Sup. Ct. 732).

Introduction

The conviction rests upon a finding that appellant's book (Exh. 1) is obscene. The only claim which appellant here raises is that because of the free press guarantee the trial court was not justified in that finding (see brief, pp. 2-52).

Statute

Subdivision 1 of section 1141 of the New York Penal Law (see Appendix, *infra*, pp. 27-28), the statute under which appellant was convicted, provides that a person shall be guilty of a misdemeanor who

> "sells * * * any obscene, lewd, lascivious, filthy, indecent or disgusting book, * * * or who * * * publishes * * * such book * * *."

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Book

The book was published by appellant corporation on March 7, 1946, and advertised for commercial distribution (R 18-19; Exhs. B, B1, B2, B3, B4). Its principal story, taking up about one-half of the whole, is a fictional account of events taking place around 1929 in New York City and in a nearby imaginary county, related by the author in the first person (82-239*; compare 1-81, 240-338; see R 33, 34). The main plot deals with Imogen, an apparently happily-married suburbanite whom the author, in a tale of "charming gallantry" (R 36), pursues and ultimately seduces (82, 188-93; *infra*, pp. 4-5). A subsidiary plot, made intentionally vulgar by "contrast" (R 36), concerns Anna, a Brooklyn taxi-dancer, married but separated, whom the author picks up and with whom throughout the story he engages in numerous acts of intercourse (106-7, 111-2; *infra*, pp. 4-5). These plots are joined when venereal disease, caught from Anna, impedes the author's pursuit of Imogen (124; *infra*, pp. 4-5). Finished with both, the author ultimately returns to a prior sex relation with his "regular girl," a divorced woman with two children (82, 230-2; *infra*, pp. 4-5). Interspersing them with discourses on economic philosophy, personal reflections and other matters, the author describes or suggests more than fifteen assorted sex acts (109-10, 110-1, 119-20, 122, 123, 153, 155, 159-60, 168, 189-91, 192, 194, 196, 207, 231), three frustrated attempts (98, 109, 183-4), numerous sex anecdotes, filthy conversations and other obscenities (110, 111, 113, 114, 115, 118, 119, 120, 122, 123, 161, 187, 188, 197-8, 214, 231; *infra*, pp. 4-5).

* All otherwise undesignated references are to pages in the book (Exh. 1).

The author describes how he first noticed Imogen's charms on a summer evening, after his "regular girl" left him for California (82-4; see 104). During the next months the author pursues Imogen and indulges in various lascivious thoughts about her body and prospective seduction (84-8, 94-100, 101, 103; see 131). In January she goes south (104) and the author turns to dime-a-dance halls, where he picks up Anna (105-7). The author takes her up to his room, and during the next few months engages with her in various forms of amatory play and intercourse (107-10, 111, 113, 114, 115, 119-20, 122, 123), which he carefully records in a diary (110). Anna tells him, among other things, about men's sex reactions to her bare skin (110), her husband's marital and extra-marital intercourse (112, 114, 120), her need for sex gratification (113), dreams and observations about intercourse (112-3, 114, 120), premarital pregnancy (118), later abortion (121), her sister's youthful sex profligacy (186), her mother's fat paramour and his combination speakeasy and whorehouse (111, 117, 123, 185, 228), details of sex perversion (161; see 163, 180), dance hall "greaseballs" and "pigs" and their orgasms (122), a boarder and his excrement (187) and other obscenities (180, 185).

In mid-April Anna leaves the author to visit her sick husband (124); Imogen returns to the scene, and the author discovers that he has gonorrhea (124-5). After he cures this (see 139), the author decides that he must steal Imogen from her husband (144-5), but resolves first to dominate her by intercourse (145). He sees her and asks her to have it with him (145-7; also 138-9), but she

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refuses because of a supposed spinal disease (147-9; see 209-10). The author again sees Anna (150-1), reproaches her for his gonorrhea (151; see 124-5), and on a number of occasions engages with her in intercourse (153, 155, 159-60, 168; see 166). In June the author renews his pleas to Imogen (183-4), and she consents (184). On the morning of assignation the author has a reverie about her body and his subduing her in intercourse (188). Imogen arrives that afternoon and they undress, go to bed, engage in various amatory exercises and in intercourse (188-91). They rest, and again have intercourse (191-2). The author describes the woman's breasts and thighs (189-90) and the functioning of his and her sex organs (190-1) in a climactic passage of obscenity (189-91).

That evening the author again sees Anna, and engages with her in the day's third act of intercourse (194). The next week the author again has Imogen (196), quarrels with her and parts (196-7, 200-2; see 218-23, 225), and thereafter has a vision of her nude breasts (206). The author turns to another girl whom, in a brief episode, he seduces (207) and thereafter avoids (207-8, 229-30). He arranges for an operation upon Anna (212-3), visits her (213-4), and comes home and reflects on her body and sex organs (214). The author is "rescued" by the return of his regular girl (230-1; see 82), who immediately falls in bed with him (231). At story's end the author, having returned to suburbia and effectively discarded Anna (see 204-5, 232-3, 239), learns that she has decided to marry another (234-5), and tells of his regrets at the termination of their sex relations (238-9). The author again describes thighs, breasts, sex organs and acts in assorted passages of indecency and obscenity (196, 206, 207, 214, 231).

The rest of the book, laid in the same general locale, is made up of five other stories (1-81, 240-338). Three, patently innocuous, are reprinted from various periodicals and inserted in front of the principal one (1-13, 14-54, 55-81; see *Acknowledgments*, front Exh. 1; R 32-3, 34). Aside from the author, who again speaks in the first person, they contain no character in common with the main story, and their plots are similarly unrelated (R 32-3; compare 1-13, 14-54, 55-81 with 82-239). The other two, inserted after the principal one, are also unrelated to it in plot and character (compare 240-97, 298-338 with 82-239), except that in one of them the author brings his "regular girl" into a dream passage of intercourse, describing legs, body and sex organ in a final passage of obscenity (329-30; see 82, 336). In the other story the author, interspersing assorted sex-laden topics (248, 252, 254-6, 272-4, 278), discusses the New York publishing business' literary trash, its methods of advertising and distribution, corruption of artists, pandering to public taste (240-97), and a lascivious climax for a proposed best seller (290; see 288-90).

The book evoked much critical comment, and in appellant's brief are set forth a number of reviews of favorable nature (appendix 1-36). All of them mention the book's passages of sex (*id.*, Quarterly Book List 3, Poore 4, Match 10, Time 11, Smith 15-16, De Jong 20, Cowley 24, Richmond 28, Kazin 33). Some recognize its cluttered and tasteless style (*id.*, Poore 4, Kazin 36) and failure to sustain interest (*id.*, Cowley 24). One of them notes its position on the list of best sellers and says that other critics—unquoted by appellant—ascribe its place there to the pornographic passages [*id.*, De Jong 21; *cf.* Time 11, 12; *Lynch* v. *United States* (C. C. A. 7th 1922) 285 Fed. 162, 163].

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Trial

Appellant not having requested trial by jury [*cf. e.g.*, *People ex rel. Kahan* v. *Random House* (Sup. Ct. N. Y. Co. 1947) 118 N. Y. L. J., p. 375, col. 3; *People* v. *Herk* (Sup. Ct. N. Y. Co. 1942) 44 N. Y. Supp. (2d) 444, 446-447; *People* v. *Price* (Gen. Sess. N. Y. Co. 1944) 53 N. Y. Supp. (2d) 47, 49; *People* v. *Gitter* (Sup. Ct. N. Y. Co. 1929) 133 Misc. 693, 694, 234 N. Y. Supp. 213, 213-214; *People* v. *Morganstern* (Sup. Ct. N. Y. Co. 1927) 134 Misc. 127, 128, 234 N. Y. Supp. 211, 212], the case was heard by three judges sitting as triers both of law and of fact (see New York City Crim. Cts. Act §31, subd. 4; and §34). The trial court ruled that the book was to be considered as a whole (R 12-4, 16, 38; Exh. 1; see R 21, 22, 31) and, subject to briefing as to materiality (R 20-1; see R 27, 31), received evidence of author and publisher reputation (R 16-8, 27-3), of publication methods (R 18-9; Exhs. B, B1, B2, B3, B4) and of literary merit (R 25-38; see Obscenity, *infra*, p. 9; *cf.* appellant's brief, p. 25).

Obscenity

In *Chaplinsky* v. *New Hampshire,* 315 U. S. 568, 571-572, a prosecution for use of offensive words, in discussing certain recognized exceptions to the guarantee of free speech, the Court pointed out that punishment of the obscene raised no constitutional problem [see also *Ex parte Jackson,* 96 U. S. 727, 736; *Robertson* v. *Baldwin,* 165 U. S. 275, 281; *Near* v. *Minnesota,* 283 U. S. 697, 716; *Winters* v. *New York,* 333 U. S. 507, 515, 520; *United States* v. *Dennett* (C. C. A. 2nd 1930) 39 Fed. (2d) 564, 569; *Tyomies Publishing Co.* v. *United States* (C. C. A. 6th 1914) 211 Fed. 385, 388; *Rebhuhn* v. *Cahill* (S. D. N. Y. 1939) 31 Fed. Supp. 47, 49; *United States* v. *One Obscene Book Entitled "Married Love"* (S. D. N. Y. 1931) 48 Fed. (2d) 821, 822; *United States* v. *Journal Co.* (E. D. Va. 1912) 197 Fed. 415, 418; *Williams* v. *State* (1923) 130 Miss. 827, 841, 842, 94 So. 882, 883; *State* v. *Van Wye* (1896) 136 Mo. 227, 233-236, 37 S. W. 938, 939-940; 2 Cooley's *Constitutional Limitations* (8th ed. 1927) pp. 886, 1328].

In *Winters* v. *New York,* 333 U. S. 507, 511, 520, in striking down as too uncertain a provision dealing with stories of "bloodshed, lust or crime," the Court referred by way of contrast to the undoubted propriety of the instant statute (see also Appendix, *infra,* pp. 13-35).

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In *Halsey* v. *New York Society for the Suppression of Vice* (1922) 234 N. Y. 1, 3-6, 136 N. E. 219, 220-221, a suit for malicious prosecution under the instant statute, the New York Court of Appeals held that a book must be considered as a whole, and took into account literary merit, manner of publication, and sincerity of motive [see *People* v. *Berg* (2nd Dept. 1934) 241 App. Div. 543, 544, 545, 272 N. Y. Supp. 586, 587-588, aff'd 269 N. Y. 514, 199 N. E. 513; *People* v. *Pesky* (1st Dept. 1930) 230 App. Div. 200, 203-204, 243 N. Y. Supp. 193, 196-198, aff'd 254 N. Y. 373, 173 N. E. 227; *People* v. *Brainard* (1st Dept. 1920) 192 App. Div. 816, 820-821, 183 N. Y. Supp. 452, 455-456; *St. Hubert Guild* v. *Quinn* (Sup. Ct. 1909) 64 Misc. 336, 338-342, 118 N. Y. Supp. 582, 583-586; *In re Worthington Co.* (Sup. Ct. N. Y. Co. 1894) 30 N. Y. Supp. 361, 362-363; *People* v. *Creative Age Press* (Mag. Ct. Manhattan 1948) 79 N. Y. Supp. (2d) 198, 200-201; *People* v. *London* (Mag. Ct. Manhattan 1946) 63 N. Y. Supp. (2d) 227, 230-231; *People* v. *Miller* (Mag. Ct. Manhattan 1935) 155 Misc. 446, 446-448, 279 N. Y. Supp. 583, 584-585; *People* v. *Viking Press, Inc.* (Mag. Ct. Manhattan 1933) 147 Misc. 813, 813-817, 264 N. Y. Supp. 534, 536-539; *cf. United States* v. *One Book Entitled Ulysses* (C. C. A. 2nd 1934) 72 Fed. (2d) 705, 706-709; Trial, *supra*, p. 7; appellant's brief, p. 25].

In *United States* v. *Levine* (C. C. A. 2nd 1936) 83 Fed. (2d) 156, 157, following the New York rule in its statement of relevant factors, the court declared that a trial finding of obscenity constituted an expression of community morality of which the triers of fact were ultimate arbiters [see also *Parmelee* v. *United States* (1940) 72 App. D. C. 203, 205-206, 113 Fed. (2d) 729, 731-732; dissent 72 App. D. C. at 214-216, 113 Fed. (2d) at 740-742; *United States* v. *Kennerley* (S. D. N. Y. 1913) 209 Fed. 119, 121; *Hadley* v. *State* (1943) 205 Ark. 1027, 1030, 172 S. W. (2d) 237, 239; *People* v. *Wepplo* (1947) 78 Cal. App. (2d) 959, 961, 178 Pac. (2d) 853, 855; *People* v. *Pesky* (1930) 254 N. Y. 373, 373-374, 173 N. E. 227; *Halsey* v. *New York Society for the Suppression of Vice* (1922) 234 N. Y. 1, 6, 7, 136 N. E. 219, 220, 221].

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POINT I

The judgment should be affirmed.

a. Obscenity—Finding. Appellant claims that the trial court improperly found the book obscene (brief pp. 3, 4-12). This is without merit. The record justifies the finding of obscenity [109-10, 119-20, 122, 159-60, 183-4, 187, 189-91, 192, 194, 196, 207, 231, 329-30; Exh. 1, *passim*; Book, *supra*, pp. 3-6; see Trial, *supra*, p. 7; Obscenity, *supra*, p. 9; also *People* v. *Wepplo* (1947) 78 Cal. App. (2d) 959, 961-962, 178 Pac. (2d) 853, 855-856 (same book)].

b. Obscenity—Freedom of press. Appellant further contends that the finding violates freedom of the press (brief, pp. 2-4, 12-52). This is likewise groundless. The finding, justifiably made under valid statute, raises no constitutional problem [*Chaplinsky* v. *New Hampshire*, 315 U. S. 568, 571-572; *Winters* v. *New York*, 333 U. S. 507, 511, 520; Obscenity, *supra*, p. 8].

The judgment should be affirmed.

Respectfully submitted,

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APPENDIX

Obscenity Statutes

This is a compilation of relevant portions of available obscenity statutes of all American jurisdictions, including the federal, and those of the forty-eight states.

UNITED STATES Code (1946) tit. 18

§334 • • • *Mailing obscene matter.* Every obscene, lewd, or lascivious, and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted or intended • • • for any indecent or immoral use; and every article, • • • or thing which is advertised or described in a manner calculated to lead another to use or apply it • • • for any indecent or immoral purpose; and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, • • • whether sealed or unsealed; and every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance; and every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can, be used or applied for • • • any indecent or immoral purpose; and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier. Whoever shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000, or imprisoned not more than five years, or both. • • •

id., tit. 19

§*1305. Immoral articles; importation prohibited—Prohibition of importation*

(a) All persons are prohibited from importing into the United States from any foreign country any * * * obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral * * *. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: * * * *Provided* * * *, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

ALABAMA Code Ann. (1940) tit. 14

§*373.* * * * *obscene literature.*—Any person who brings, or causes to be brought into this state for sale, or advertises, or prints, or sells, or offers to sell, or receives subscription for any indecent or obscene book, pamphlet, print, picture, or paper, shall, on conviction, be fined not less than fifty nor more than one thousand dollars.

ARIZONA Code Ann. (1939)

43-3002. * * * Every person * * * who writes, composes, prints, publishes, sells, distributes, keeps for sale, gives, loans or exhibits any obscene or indecent writing, paper, or book to any person, * * * is guilty of a misdemeanor.

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ARKANSAS Dig. Stat. (1937)

§3381. *Sale or circulation.* Hereafter it shall be unlawful for any person, firm or corporation to sell or to offer for sale, or to have in possession, any magazine, paper, or other literature or printed book, picture, or matter, the shipment or transportation of which has been refused and rejected from the United States mails, or which literature, or literature of like character, the Government of the United States will not permit to be sold, shipped or handled.

§3382. *Punishment.* Any violation of the provisions of this Act shall constitute a misdemeanor and, upon conviction, shall subject the offender to a fine of any sum not less than Fifty Dollars nor more than One Hundred Dollars, and each day that this Act shall be violated shall constitute a separate offense. • • •.

CALIFORNIA Pen. Code (1941)

§311. [• • • *Obscene* • • • *writings* • • •.] Every person who willfully and lewdly • • •

• • •

3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or book • • •

• • • is guilty of a misdemeanor.

CANAL ZONE Code (1934) tit. 5

451. • • • Every person who willfully and lewdly • • •

• • •

• • • Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale or exhibits any obscene or indecent writing, publications or books • • •

• • • is guilty of a misdemeanor.

COLORADO Stat. Ann. (Supp. 1947) c. 48

§216. *Importing obscene books* • • • *Penalty.*— If any person shall hereafter bring or cause to be brought or imported into this state for sale, or shall sell or offer to sell any obscene book, pamphlet or print, every such person shall, on conviction, be fined not less than $100.00 nor more than $2,000.00 and imprisoned in the county jail for not less than one month, nor more than one year.

§217. *Penalty for exhibiting or selling obscene books.*— Whoever exhibits, lends, gives away, sells, or offers to exhibit, lend, give away, or sell; or in any manner publishes, or offers to publish, or has in his possession, for any such purpose, any obscene, lewd, or indecent, or lascivious book, pamphlet, paper, drawing, print, picture, writing, advertisement, circular, or other representation, figure or image on, or of paper, or other material, • • • shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than two thousand dollars ($2,000.00) with costs of court, or imprisoned in the county jail for not less than one month, nor more than one year • • •.

CONNECTICUT Gen. Stat. (1930)

Sec. 6244. Obscene literature • • •. Any person who shall buy, sell, advertise, lend, give, offer or show, any book, pamphlet, paper or other thing containing obscene, indecent or impure language, or any picture, print, drawing, figure, image or other engraved, printed or written matter of like character, • • • or shall design, copy, draw, photograph, print, etch, engrave, cut, carve, make, utter, publish or otherwise prepare, or assist in preparing, anything herein named, shall be imprisoned not more than two years or be fined not more than one thousand dollars or both.

DELAWARE Laws (1941) c. 239

5280 A. • • •. Whoever sells, lends, distributes, exhibits, gives away or shows, or offers to sell, lend, distribute, exhibit, give away or show, or has in his possession with intent to sell, lend, distribute, exhibit, give away or show, or knowingly advertises in any manner whatsoever,

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any obscene, lewd, lascivious, filthy, indecent book, magazine, pamphlet, newspaper, story-paper, paper, writing, drawing, photograph, film, figure or image, or any written or printed matter of an indecent, obscene, lewd, lascivious, filthy nature, * * * or whoever designs, copies, draws, photographs, prints, shows, utters, publishes or in any manner manufactures, produces or prepares any obscene, lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story-paper, paper, writing, drawing, photograph, film, figure or image, * * * is guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than $250.00, nor more than $2,500.00, or imprisoned for a term of not less than thirty days, nor more than three years, or by both such fine and imprisonment.

DISTRICT OF COLUMBIA Code (1940)

*§22-2001 * * * Definition and penalty.*

Whoever sells, or offers to sell, or give away, in the District, or has in his possession with intent to sell or give away or to exhibit to another, any obscene, lewd, or indecent book, pamphlet, drawing, engraving, picture, photograph, instrument, or article of indecent or immoral use, * * * shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not more than one year, or both. * * *

FLORIDA Stat. (1941)

847.01. Punishment for publishing and distributing obscene literature.

Whoever imports, prints, publishes, exhibits, displays, sells or distributes any book, pamphlet, ballad, printed paper, stereopticon, moving picture, slide or film, or other thing, containing obscene language or any obscene prints, figures, pictures or descriptions manifestly tending to the corruption of the morals of youth, or introduces into any family, school or place of education, or buys, procures, receives or has in his possession any book, pamphlet, ballad, printed paper, stereopticon slide or moving picture

film, or other thing, either for the purpose of sale, exhibition, loan or circulation, or with the intent to introduce the same into any family, school, or place of education, shall be punished by imprisonment in the state prison, not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding one hundred dollars.

GEORGIA Code Ann. (Supp. 1947)

26-6301 • • • *Sale, etc., of obscene pictures, books, etc.*—Any person who shall bring, or cause to be brought, into this State for sale or exhibition, or shall sell or offer to sell, or shall lend or give away or offer to lend or give away, or who shall possess or having possession thereof, shall knowingly exhibit to another any indecent pictorial newspaper tending to debauch the morals, or any indecent or obscene book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, and principally made up of pictures or stories of deeds of lust, • • • or shall manufacture, draw, or print any of said articles, with intent to sell or expose or circulate the same, shall, upon conviction, be punished by confinement and labor in the penitentiary for not less than one nor more than five years. However, upon the recommendation of the jury, said offense may be punished as a misdemeanor.

GUAM Pen. Code (1933)

311. • • • Every person who willfully and lewdly • • •

• • •

• • • Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or book • • •

• • •

Is guilty of felony and shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both.

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HAWAII Rev. Laws (1945)

Sec. 11107. Obscene and other prohibited publications. The importing, printing, publishing, selling, offering for sale, putting into circulation, distributing, lending, exhibiting publicly, or introducing into any family, school or place of education, any book, magazine, pamphlet, newspaper, story-paper, writing, paper, picture, drawing, print, photograph, lithograph, engraving, daguerreotype, stereoscopic picture, figure, description or representation, or written or printed matter of any sort which is obscene, lewd, lascivious, filthy, indecent or disgusting, • • • which manifestly tends to the corruption of the morals of youth, or of morals generally; or buying, procuring, receiving, or having in possession, any of the foregoing, with intent to sell, circulate, distribute, lend or exhibit the same, or to introduce the same into any family, school or place of education • • •

• • •

Sec. 11109. Penalty. • • • shall be punished by a fine not exceeding five hundred dollars or by imprisonment for not more than six months • • •.

IDAHO Code Ann. (1932)

17-2101. • • • *obscenity.*—Every person who wilfully and lewdly • • •

• • •

3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits, any obscene or indecent writing, paper, or book • • •

• • •

Is guilty of a misdemeanor.

ILLINOIS Rev. Stat. (1947) c. 38

468. Circulating. • • • Whoever brings, or causes to be brought into this state, for sale or exhibition, or shall sell or offer to sell, or shall give away or offer to give away, or have in his possession, with or without intent to sell or give away, any obscene and indecent book, pamphlet, paper, drawing, lithograph, engraving, daguerreotype, photograph, stereoscopic picture, model, cast, instru-

ment or article of indecent or immoral use, * * * shall be confined in the county jail not more than six months, or be fined not less than $100 nor more than $1,000 for each offense * * *.

INDIANA Ann. Stat. (Burns 1933)

10-2803 * * * *Obscene literature* * * * *Circulation, possession, manufacture.*—Whoever sells or lends, or offers to sell or lend, or gives away, or offers to give away, or in any manner exhibits, or has in his possession, with or without intent to sell, lend or give away, any obscene, lewd, indecent or lascivious book, pamphlet, paper, drawing, lithograph, engraving, picture, daguerreotype, photograph, stereoscopic picture, model, cast, instrument or article of indecent or immoral use, * * * or whoever manufactures, or draws and exposes, or draws with intent to sell or have sold, or prints any such articles or things, shall be fined not less than ten dollars [$10.00] nor more than five hundred dollars [$500], to which may be added imprisonment in the county jail not less than ten [10] days nor more than six [6] months * * *.

IOWA Code (1946)

725.4 Obscene books * * * *printing or distributing.* If any person import, print, publish, sell, or distribute any book, pamphlet, ballad, or any printed or written paper containing obscene language or obscene prints, pictures, or descriptions, manifestly tending to corrupt the morals of youth; or introduce into any family, school, or place of education, or buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed or written paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be imprisoned in the penetentiary not more than one year, or be fined not exceeding one thousand dollars.

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KANSAS Gen. Stat. Ann. (1935)

21-1102. Dealing in obscene literature; penalty. Every person or persons who shall bring or cause to be brought into the state, or shall buy, sell or cause to be sold, or shall advertise, lend, give away, offer, show, exhibit, or shall have in his possession with the intent to sell, lend, give away, offer, show, exhibit, distribute or cause to be distributed, or shall design, copy, draw, photograph, print, etch, or engrave, cut, carve, make, publish, or otherwise prepare or assist in preparing, or shall receive subscriptions for any indecent or obscene book, pamphlet, paper, picture, print, drawing, figure, image, or other engraved, printed or written matter, * * * shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than three hundred dollars, or be imprisoned not to exceed thirty days, or both.

* * *

id., **(Cum. Supp. 1945)**

21-1115. Periodicals, magazines and other publications tending to debase or corrupt morals; when unlawful. It shall be unlawful to introduce into commerce, transport for the purpose of sale, sell, offer for sale, edit, publish, circulate, disseminate, or have in possession for sale or gratuitous distribution, expose for sale, or to distribute any magazine, periodical, or other publication published at regular intervals, which is not admissible to the United States mails, or which contains any cruel, indecent, or immoral matter, or other matter which tends to debase or corrupt morals.

KENTUCKY Rev. Stat. (1946)

436.100 * * * *Distribution of obscene literature.* Any person who sells, lends, gives away or shows, offers to sell, lend, give away or show, has in his possession with intent to sell, lend, give away or show, or advertises in any manner or otherwise offers for sale, loan, gift or distribution any obscene or disgusting book, magazine, pamphlet, newspaper, writing, picture, drawing, photograph, figure or image, or any written or printed matter of an indecent character, or who designs, copies, draws, photographs, prints, utters, publishes or in any manner manu-

factures or prepares any such matter or article, * * * shall be fined not less than fifty dollars nor more than one thousand dollars, or imprisoned for not less than ten days nor more than one year, or both.

LOUISIANA Code Crim. Law & Proc. Ann. (1943)

740-106. Obscenity.—Obscenity is the intentional:

* * *

(2) Production, sale, exhibition, possession with the intent to display, or advertisement of any indecent print, picture, written composition, model or instrument * * *

* * *

Whoever commits the crime of obscenity shall be fined not more than three hundred dollars, or imprisoned for not more than one year, or both.

MAINE Rev. Stat. (1944) c. 121

*Sec. 24. Making or circulating obscene books * * * penalty* * * * Whoever imports, prints, publishes, sells, or distributes any book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent, or impure language, or manifestly tending to the corruption of the morals of youth, or an obscene, indecent, or impure print, picture, figure, or description, manifestly tending to the corruption of the morals of youth, or introduces into a family, school, or place of education, or buys, procures, receives, or has in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan, or circulation, or with intent to introduce the same into a family, school, or place of education, shall be punished by a fine of not less than $100, nor more than $1,000, and by imprisonment for not more than 5 years.

MARYLAND Ann. Code Gen. Laws (1939) art. 27

495. If any person shall bring or cause to be brought into this State for sale or exhibition, or shall sell, lend, give away or offer to give away, or show or have in his or her possession with intent to sell or give away, or to exhibit, show, advertise or otherwise offer for loan, gift, sale

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or distribution any lewd, obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing or photograph, * * * or shall design, copy, draw, photograph, print, utter, publish or prepare such book, picture, card, drawing, paper or other article, * * * [he] shall in every such case be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or shall be imprisoned not exceeding one year, or be both fined and imprisoned in the discretion of the court * * *.

MASSACHUSETTS Ann. Laws (Supp. 1947) c. 272

§28. *Sale, etc., of Obscene Literature, etc., to Person under Eighteen Years of Age; Introducing Same into a Family, School or Place of Education.*—Whoever sells or distributes, or imports, prints or publishes for the purpose of selling or distributing, to a person under the age of eighteen years a book, pamphlet, ballad, printed paper, phonographic record or other thing which is obscene, indecent or impure, or manifestly tends to corrupt the morals of youth, or an obscene, indecent or impure print, picture, figure, image or description, manifestly tending to corrupt the morals of youth, or introduces into a family, school or place of education, or buys, procures, receives or has in his possession any such book, pamphlet, ballad, printed paper, phonographic record, obscene, indecent or impure print, picture, figure, image or other thing, either for the purpose of sale, exhibition, loan or circulation to a person under the age of eighteen years or with intent to introduce the same into a family, school or place of education, shall, for a first offense, be punished by imprisonment for not more than two years or by a fine of not less than one hundred nor more than one thousand dollars, or both, and for a subsequent offense by imprisonment for not less than six months nor more than two and one half years or by a fine of not less than two hundred nor more than two thousand dollars, or both.

* * *

§28B. *Sale, etc., of Obscene Book.*—Whoever imports, prints, publishes, sells, loans or distributes, or buys, procures, receives, or has in his possession for the purpose of sale, loan or distribution, a book, knowing it to be ob-

scene, indecent or impure, shall be punished by imprisonment for not more than two years or by a fine of not less than one hundred nor more than one thousand dollars, or both.

MICHIGAN Comp. Laws (1929)

16829 Obscene publication; printing, selling, buying, possessing, circulating; penalty. • • • If any person shall import, print, publish, sell or distribute any book, pamphlet, ballad, printed paper, or other thing, containing obscene language, or obscene prints, pictures, figures or descriptions, manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school or place of education, or shall buy, procure, receive or have in his possession, any such book, pamphlet, ballad, printed paper or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into any family, school or place of education, shall be punished by imprisonment in the county jail not more than one [1] year, or by fine not exceeding one thousand [1,000] dollars.

MINNESOTA Stat. (Henderson 1945)

617.24 Obscene Literature; penalty.

Every person who shall:

(1) Sell, lend, give away, or offer to give away, show, or have in his possession with intent to sell, give away, show, advertise, or otherwise offer for loan, gift, sale or distribution, any obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, picture, drawing, photograph, or any article or instrument of indecent or immoral character; or who shall design, copy, draw, photograph, print, utter, publish, or otherwise prepare such a book, picture, drawing, paper, or other article • • •

• • •

Shall be guilty of a gross misdemeanor and be punished by imprisonment in the county jail for not more than one year, nor less than 90 days, or by a fine of not less than $100, nor more than $500, or by both.

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MISSISSIPPI Code Ann. (1942)

§*2288. Obscenity* • • •.—A person who sells, lends, gives away, or shows, or has in his possession with intent to sell or give away, or to show or advertise, or otherwise offers for loan, gift, sale, or distribution, any obscene or indecent book, writing, paper, picture, drawing, or photograph, • • • or who designs, copies, draws, photographs or otherwise prepares such a book, picture, drawing or other article, • • • is guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not over five hundred dollars or imprisonment in the county jail for not more than six months, or both.

MISSOURI Rev. Stat. (1939)

Sec. 4660. Penalty for circulating obscene matter.— Every person who shall manufacture, print, publish, buy, sell, offer for sale or advertise for sale, or have in his possession, with intent to sell or circulate, or shall give away, distribute or circulate any obscene, lewd, licentious, indecent or lascivious book, pamphlet, paper, ballad, drawing, lithograph, engraving, picture, photograph, model, cast, print, article or other publication of indecent, immoral or scandalous character, • • • shall, on conviction thereof, be fined not more than one thousand dollars nor less than fifty dollars, or be imprisoned not more than one year in the county jail, or both • • •.

MONTANA Rev. Codes Ann. (1935)

11136. • • • Every person who wilfully and lewdly • • •

• • •

3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or book • • •

• • • is guilty of a misdemeanor.

NEBRASKA Rev. Stat. (1943)

28-921. Obscene literature; sale; penalty. Whoever sells or offers for sale, or gives away, or has in his possession with intent to sell, loan or give away, any obscene, lewd, indecent or lascivious book, pamphlet, paper, drawing, lithograph, engraving, picture, photograph, model, cast or any instrument or article of indecent or immoral use, * * * shall upon conviction thereof be punished by a fine of not more than one thousand dollars nor less than fifty dollars, or by imprisonment in the county jail not more than one year, or both.

NEVADA Comp. Laws Ann. (1929)

§*10144. Obscene Literature.* * * * Every person who—

1. Shall sell, lend, or give away, or have in his possession with intent to sell, lend, give away or show any obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, picture, drawing, photograph, or any article or instrument of indecent or immoral character; or who shall design, copy, draw, photograph, print, utter, publish or otherwise prepare such a book, picture, drawing, paper or other article * * *

Shall be guilty of a gross misdemeanor.

NEW HAMPSHIRE Rev. Laws (1942) c. 441

14. Publication, etc. No person shall print, sell, lend, give, or show to any other person any obscene book, pamphlet, magazine, newspaper, print, or picture, * * *.

* * *

Laws (1947) c. 73

* * * *17. Penalty.* If any person shall violate any of the provisions of the * * * preceding * * * [section] he shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

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NEW JERSEY Rev. Stat. (1937)

2:140-2. Uttering or exposing obscene literature • • •. Any person who, without just cause, shall utter or expose to the view of another, or have in his possession with intent to utter or expose to the view of another, or to sell the same, any obscene or indecent book, pamphlet, picture or other representation, however made, • • • shall be guilty of a misdemeanor.

NEW MEXICO Stat. Ann. (1941)

14-1803. • • • The city council and board of trustees in towns shall have the following powers:

• • •

14-1812. • • • *Obscene publications.*—To • • • prohibit the sale or exhibiting of obscene or immoral publications, prints, pictures, or illustrations.

NEW YORK Penal Law

§1141. Obscene prints and articles

1. A person who sells, lends, gives away, distributes or shows, or offers to sell, lend, give away, distribute, or show, or has in his possession with intent to sell, lend, distribute or give away, or to show, or advertises in any manner, or who otherwise offers for loan, gift, sale or distribution, any obscene, lewd, lascivious, filthy, indecent or disgusting book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, photograph, figure or image, or any written or printed matter of an indecent character; or any article or instrument of indecent or immoral use, or purporting to be for indecent or immoral use or purpose, or who designs, copies, draws, photographs, prints, utters, publishes, or in any manner manufactures, or prepares any such book, picture, drawing, magazine, pamphlet, newspaper, story paper, writing, paper, figure, image, matter, article or thing, or who writes, prints, publishes, or utters, or causes to be written, printed, published, or uttered, any advertisement or notice of any kind, giving information, directly or indirectly, stating, or purporting so to do, where, how, of whom, or by what means any, or what purports to be any, obscene, lewd, las-

civious, filthy, disgusting or indecent book, picture, writing, paper, figure, image, matter, article or thing, named in this section can be purchased, obtained or had or who has in his possession, any slot machine or other mechanical contrivance with moving pictures of nude or partly denuded female figures which pictures are lewd, obscene, indecent or immoral, or other lewd, obscene, indecent or immoral drawing, image, article or object, or who shows, advertises or exhibits the same, or causes the same to be shown, advertised, or exhibited, or who buys, owns or holds any such machine with the intent to show, advertise or in any manner exhibit the same; or who,

• • •

3. In any manner, hires, employs, uses or permits any minor or child to do or assist in doing any act or thing mentioned in this section, or any of them,

Is guilty of a misdemeanor, and, upon conviction, shall be sentenced to not less than ten days or more than one year imprisonment or be fined not less than fifty dollars nor more than one thousand dollars or both fine and imprisonment for each offense.

NORTH CAROLINA Gen. Stat. Ann. (1943)

§*14-189. Obscene literature.*—It shall be unlawful for any person, firm or corporation to exhibit for the purpose of gain, or display for sale, lend or hire, or otherwise publish or sell for the purpose of gain, or exhibit in any school, college, or other institution of learning, or have in his possession for the purpose of sale or distribution, any obscene literature, as determined and defined in the postal laws and regulations of the United States post office department, in the form of book, paper-writing, print, drawing, or other representation, at any newsstand, book store, drug store or other public or private places • • • [and if he does] he shall be guilty of a misdemeanor.

• • •

§*14-194. Circulating publications barred from the mails.*—It shall be unlawful for any news agent, news dealer, book-seller, or any other person, firm, or corporation to offer for sale, sell, or cause to be circulated within the State

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of North Carolina any magazine, periodical, or other publication which is now or may hereafter be excluded from the United States mails.

• • •

Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor.

NORTH DAKOTA Rev. Code (1943)

12-2109. Buying, Selling, and Designing Obscene Literature; Bringing Into State; Misdemeanor. Every person who shall bring or cause to be brought into the state, or who shall buy, sell, or cause to be sold, or who shall advertise, lend, give away, offer, show, or exhibit, or have in his possession with intent to sell, lend, give away, offer, show, exhibit, distribute, or cause to be distributed, or who shall design, copy, draw, photograph, print, etch, or engrave, cut, carve, make, publish, or otherwise prepare or assist in preparing, or who shall receive subscriptions for any indecent or obscene book, pamphlet, paper, picture, print, drawing, figure, image, or other engraved, printed, or written matter, • • • shall be guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in a county jail for not more than thirty days, or by both such fine and imprisonment.

OHIO Gen. Code Ann. (Supp. 1947)

Sec. 13035. Penalty for selling, exhibiting, possessing, etc., obscene literature • • •.

Whoever knowingly sells, lends, gives away, exhibits or offers to sell, lend, give away or exhibit, or publishes or offers to publish or has in his possession or has under his control an obscene, lewd or lascivious book, magazine, pamphlet, paper, writing, advertisement, circular, print, picture photograph, motion picture film or book, pamphlet, paper, magazine not wholly obscene but containing lewd or lascivious articles, advertisements, photographs, or drawing, representation, figure, image, cast, instrument or article of an indecent or immoral nature • • • or manufactures, draws, prints or makes such articles or things, • • •

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shall be fined not less than two hundred dollars nor more than two thousand dollars or imprisoned not more than seven years, or both.

OKLAHOMA Stat. (1941) tit. 21

§*1021.* * * * *Obscene or indecent writings* * * * .—Every person who wilfully and lewdly

* * *

* * * Writes or composes, stereotypes, prints, publishes, sells, distributes, or keeps for sale, or exhibits any obscene or indecent writing, paper or book, * * * is guilty of a felony and upon conviction therefor shall be punished by the imposition of a fine not less than Ten ($10.00) Dollars nor more than One Thousand ($1,000.00) Dollars or by imprisonment for not less than thirty (30) days nor more than ten (10) years, or by both such fine and imprisonment.

OREGON Comp. Laws Ann. (1940)

§*23-924. Writings* * * * *of obscene or indecent character* * * *. If any person shall import, design, copy, draw, photograph, prepare, publish, sell, lend, give away, distribute, show, or exhibit, or have in his possession, with intent to publish, sell, lend, give away, distribute, show, or exhibit, any * * * obscene or indecent book, paper, writing, printed matter, picture, drawing, photograph, or engraving; * * * such person shall, upon conviction thereof be punished by imprisonment in the county jail not more than six months, or by a fine of not more than $500 or by both fine and imprisonment in the discretion of the court.

PENNSYLVANIA Stat. Ann. (1945) tit. 18

§*4524. Obscene literature, etc.*

Whoever sells, lends, distributes, exhibits, gives away, or shows or offers to sell, lend, distribute, exhibit, or give away or show, or has in his possession with intent to sell, lend, distribute or give away or to show, or knowingly advertises in any manner, any obscene, lewd, lascivious, filthy, indecent or disgusting book, magazine, pamphlet,

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newspaper, storypaper, paper, writing, drawing, photograph, figure or image, or any written or printed matter of an indecent character, * * * or whoever designs, copies, draws, photographs, prints, utters, publishes, or in any manner manufactures or prepares any such book, picture, drawing, magazine, pamphlet, newspaper, storypaper, paper, writing, figure, image, matter, article or thing, * * * is guilty of a misdemeanor, and upon conviction, shall be sentenced to imprisonment not exceeding one (1) year, or to pay a fine not exceeding five hundred dollars ($500), or both.

PUERTO RICO Pen. Code (1937)*

§283. * * * Every person who wilfully and lewdly * * *

* * *

Publication or Sale of Obscene Matter * * * Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obcesne or indecent writing, paper, or books * * *

* * * is guilty of a misdemeanor.

RHODE ISLAND Gen. Laws (1938) c. 610

§13. Every person who shall import, print, publish, sell, or distribute any book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent, or impure language, or manifestly tending to the corruption of the morals of youth, or any print, picture, figment, or other description which is indecent, impure, or manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school, or place of education, or shall buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan, or circulation, or with intent to introduce the same into any family, school, or place of education, shall be imprisoned not exceeding 2 years or be fined not exceeding $1,000.00 nor less than $100.00.

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* A later revision, *Puerto Rico Compilacion Estatutos Revisados y Codigos, Penal (1941)*, apparently published only in Spanish, is not here available.

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SOUTH CAROLINA Code Ann. (1942)

§1443. Penalty for publishing, etc., obscene books, papers, etc.—Whoever knowingly imports, prints, publishes, sells or distributes any book, pamphlet, ballad, printed paper or other thing containing obscene, indecent or improper print, picture, figure or description manifestly tending to the corruption of the morals of youth, or introduces into a family, school, or place of education, or brings, procures, receives, or has in his possession, any such book, pamphlet, printed paper, picture, or ballad, or other thing, either for the purpose of sale, exhibition, to aid in a circulation, or with intent to introduce the same into a family, school, or place of education, shall be punished by imprisonment not exceeding two years, or by a fine not exceeding one thousand dollars, or both, at the discretion of the court.

SOUTH DAKOTA Code (1939)

13.1722 • • •. Every person who willfully and immorally:

• • •

(3) Writes or composes, stereotypes, prints, publishes, sells, distributes, or keeps for sale or exhibit by moving pictures or otherwise, any obscene or indecent writing, paper, book, or design, • • • is guilty of a misdemeanor.

TENNESSEE Code Ann. (Williams 1934)

11190 • • • *Obscene books.*—If any person print, publish, import, sell, or distribute any book, pamphlet, ballad, or printed paper containing obscene language or obscene prints, pictures, or descriptions, manifestly tending to corrupt the morals, or introduce the same into any family, school, or place of education, or have the same in his possession for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be guilty of a misdemeanor.

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TEXAS Pen. Code Ann. (1938)

Art. 526. • • • *Indecent publications* • • •

If any person shall make, publish or print any indecent and obscene print, picture or written composition manifestly designed to corrupt the morals of youth, • • • he shall be fined not exceeding one hundred dollars.

UTAH Code Ann. (1943)

15-8-1. • • •

The boards of commissioners and city councils of cities • • •

15-8-41. • • • *Immoral Publications.*

• • • may suppress or prohibit • • • the sale, distribution or exhibition of obscene or immoral publications, prints, pictures or illustrations.

VERMONT Pub. Laws (1933)

Sec. 8621. Books and pictures. A person who imports, prints, publishes, sells, lends, circulates, distributes, exhibits or introduces into a family or place of education a book, print, picture or other thing which is obscene, lewd or indecent, or which contains obscene, lewd or indecent language, prints, pictures, figures or descriptions, or which manifestly tends to the corruption of the morals of youth, or who buys, procures or has in his possession any such book, print, picture or other thing, with intent to sell, lend, circulate, distribute or exhibit the same, or to introduce it into a family or place of education, shall be imprisoned not more than one year or fined not more than two hundred dollars.

VIRGINIA Code Ann. (1942)

§4549. *Publishing, selling, exhibiting, distributing, et cetera, obscene books,* • • • *et cetera;* how punished.—If any person import, print, exhibit, publish, sell, lease, use, or distribute any books or other things containing obscene language, or any print, picture, motion picture

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film, figure or description manifestly tending to corrupt the morals of youth; or introduce into any family or place of education, or buy or have in his possession any such article for the purpose of sale, exhibition, or circulation, or with intent to introduce it into any family or place of education, he shall be guilty of a misdemeanor.

WASHINGTON Rev. Stat. Ann. (1932)

§*2459. Obscene literature.* Every person who—

(1) Shall sell, lend, or give away, or have in his possession with intent to sell, lend, give away or show any obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, picture, drawing, photograph, or any article or instrument of indecent or immoral character; or who shall design, copy, draw, photograph, print, utter, publish or otherwise prepare such a book, picture, drawing, paper or other article; * * *

* * *

Shall be guilty of a gross misdemeanor.

WEST VIRGINIA Code Ann. (1943)

§*6066.* * * * *Obscene Literature* * * * *Penalty.*—If any person import, print, publish, sell or distribute any book or other thing containing obscene language, or any print, picture, figure or description manifestly tending to corrupt the morals of youth, or tending to corrupt the public morals, or introduce into any family, school or place of education, or buy or have in his possession, any such thing, for the purpose of sale, exhibition or circulation, or with intent to introduce it into any family, school or place of education, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not more than one year and fined not exceeding one thousand dollars.

WISCONSIN Stat. (1947)

351.38 Circulation of obscene books, etc. * * * (1) Any person who shall import, print, publish, exhibit, sell or distribute, have in his possession or give away any book

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or pamphlet, ballad, printed paper, moving picture or film, or other thing containing obscene language, prints, pictures, figures or descriptions tending to the corruption of morals, or shall introduce into any family, school or place of education, or shall buy, procure, receive or have in his possession any such book, pamphlet, ballad, printed paper, moving picture or film, or other thing, either for the purpose of loan, sale, exhibition or circulation or giving away, or with intent to introduce the same into any family, school or place of education shall be punished by imprisonment in the county jail not less than 3 months or not more than one year or by imprisonment in the state prison not less than one year or not more than 5 years or by fine not less than $100 or more than $5,000 * * *.

WYOMING Comp. Stat. Ann. (1945)

9-513. Selling obscene literature.—Whoever sells or lends, or offers to sell or lend, or gives away, or offers to give away, or in any manner exhibits, or has in his possession, with or without intent to sell, lend or give away, any obscene, lewd, indecent, or lascivious book, pamphlet, paper, drawing, lithograph, engraving, picture, daguerreotype, photograph, stereoscopic picture model, cast, instrument or article of indecent or immoral use, * * * shall be fined not more than one hundred dollars [$100.00], to which may be added imprisonment in the county jail not more than six [6] months * * *.

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